

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Thomas Bowyer

Case No. 19-MJ-1892

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 2, 2019 in the county of Bernalillo in the
 District of New Mexico, the defendant(s) violated:

Code Section

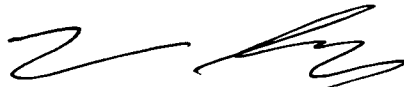
Title 18, United States Code,
 Sections 922(g)(1)

Offense Description

Possession of a Firearm or Ammunition by a convicted felon.

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.


Complainant's signature

Thomas Sanchez, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/02/2019


Judge's signature

City and state: Albuquerque, New Mexico

Kirtan Khalsa, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA

V.

Thomas Bowyer
YOB: 1991

Your affiant, Thomas Sanchez, duly sworn, hereby depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

Your affiant is a Special Agent (SA) with the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), in Albuquerque, New Mexico and has been employed as such since August of 2007. Your affiant is an investigative law enforcement officer of the United States and is empowered by law to conduct investigations and make arrests for felony offenses. Prior to your affiant's employment with Homeland Security Investigations, your affiant was a Border Patrol Agent with the United States Border Patrol since August 2002. Your affiant successfully completed twelve weeks of Criminal Investigator Training Program (CITP), and the Immigration and Customs Enforcement Special Agent Training (ICE-SAT) at the Federal Law Enforcement Training Center in Brunswick, Georgia. Your affiant holds a bachelor's degree in Criminal Justice. Your affiant has received extensive training and practical experience pertaining to federal criminal procedures, federal criminal statutes, United States Immigration and Nationality law, United States Customs laws, which include financial crimes, narcotics investigations, false and fraudulent use of identification

documents and customs firearms export violations. Your affiant is authorized to investigate violations of Title 21 of United States Code. Your affiant has also acquired knowledge and information about such offenses, and the various means and methods by which they are furthered from numerous sources, including formal and informal training from other law enforcement officers, investigators, and Special Agents; interviews of informants and arrestees, and interviews of other knowledgeable individuals.

The information set forth in the affidavit had been derived from my own investigation or communicated to me by other sworn law enforcement officers or from other reliable sources. This information is submitted for the limited purpose of establishing probable cause to believe that Thomas Bowyer committed a felony violation of Title 18 United States Code § 922(g)(1): Possession of a Firearm or Ammunition by a convicted felon. The affidavit therefore does not set forth all my knowledge about this matter.

DETAILS OF INVESTIGATION

On February 8, 2019, at approximately 1200 hours, New Mexico State Police (NMSP) Agent Tony Detavis and other agents assigned to the NMSP Auto Theft Suppression Unit observed a gold Volvo passenger vehicle bearing New Mexico license PFG774 driving in the southeast area of Albuquerque, New Mexico. Agent Detavis queried the New Mexico license plate PFG774 attached to the gold Volvo vehicle and discovered the information came back to a stolen vehicle described as a red Chevrolet.

Agent Detavis notified other agents assigned to the NMSP Auto Theft Suppression Unit of the stolen vehicle, agents were able to locate the vehicle at 539 Espanola Street SE in Albuquerque, NM. Agents made contact with the vehicle in form of a felony stop and observed two male

individuals inside the vehicle. The driver and passenger later identified as Dale KOCH (KOCH) and Thomas BOWYER (BOWYER) were the occupants of the vehicle.

During the felony stop, the driver KOCH was found in possession of a glass pipe and a small bag of suspected methamphetamines in his front shirt pocket, a fraudulent identification card, and what appeared to be fraudulent currency in the amount of five (5) one hundred (100) dollar bills. When agents ran a criminal history ~~quire~~^{quiry} of KOCH, it was learned he had an outstanding felony warrant. Agents advised KOCH of his Miranda Rights, KOCH provided false information and stated he borrowed the vehicle and did not know the license plate attached to the vehicle he was operating belonged to a stolen vehicle. KOCH was arrested for possession of a controlled substance, possession of drug paraphernalia and concealing identity on state charges.

The passenger BOWYER was given verbal commands by agents during the felony stop, Thomas BOWYER advised agents he was in possession of a firearm. Agents placed BOWYER in handcuffs and retrieved a .22 caliber pistol from out of his waistband. Agent Detavis advised BOWYER of his Miranda rights at which point he did not agree to speak. Agent Detavis ran a criminal history quire of BOWYER's personal information and discovered several felony convictions, BOWYER also had an outstanding felony warrant.

On or about June 13, 2019, New Mexico Department of Public Safety Forensic Laboratories Forensic Scientist Alina Sanchez, M.F.S conducted a test-fire of the firearm found in the possession of BOWYER, identified as a .22 Long Rifle caliber, F.I.E brand, model T 18 revolver bearing the serial number 05274. Forensic Scientist Alina Sanchez found the firearm to function as designed and to be a firearm as defined in Chapter 44, Title 18, U.S.C., Section 921 (A)(3), as the firearm in a weapon which will or is designed to or may be readily converted to expel a projectile by the action of an explosive; and contains the frame of any such weapon.

On July 1, 2019, at 1325 hours, your affiant spoke with Bureau of Alcohol, Tobacco, Firearms and Explosives Special Agent Erik Rutland in regards to an Interstate Nexus Examination on a Model T 18 .22 revolver bearing the serial number 05274. It is the opinion of ATF Special Agent Rutland that since the firearm was received and/or possessed in the State of New Mexico, it had previously shipped and transported in Interstate Commerce and therefor affected Interstate Commerce and further was not manufactured in the State of New Mexico.

Your affiant conducted research into the criminal history of BOWYER, and confirmed BOWYER has been convicted of a crime punishable by imprisonment for a term exceeding one year. On or about January 6, 2014, BOWYER was convicted in the Second Judicial District Court in Bernalillo County, New Mexico for charges of Aggravated Assault (DEADLY WEAPON) (0056)(FIREARM ENHANCEMENT), Possession of a Controlled Substance (METHAMPHETAMINE), felony crimes in cause numbers CR 2013-02054; 2013-04199/DA#: 2013-02339-1;2013-05058-1.

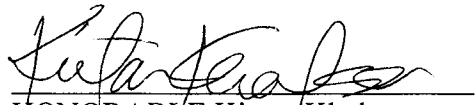
CONCLUSION

Based on the information set forth in the affidavit, your affiant submits that there is probable cause to believe that on or about February 8, 2019, in the County of Bernalillo, in the State and District of New Mexico: BOWYER did violate Title 18, United States Code, Sections 922 (g)(1) Possession of a Firearm or Ammunition by a convicted felon.



Thomas Sanchez
Special Agent - HSI
Department of Homeland Security

Subscribed and sworn to before me
This 2nd day of July 2019

A handwritten signature in black ink, appearing to read 'Kirtan Khalsa', is written over a horizontal line.

HONORABLE Kirtan Khalsa
United States Magistrate Judge